IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.339 OF 2005

Bapaurao Sakharam Khetle ... Applicant

versus

State of Maharashtra ... Respondent

...

Mr. P.R. Arjunwadkar, for the Applicant.

Mr. K.V. Saste, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

27th January 2005

P.C.:

1. Heard Counsel for the parties. Perused the record. It is seen that the incident in question took place on the spur of the moment. Just before the incident, the parties were actually negotiating on certain matters. Sofar as the Applicant is concerned, the role ascribed to him is that he caught hold of the deceased asking him whether he has become a big man (bhai). Suddenly thereafter, other accused

assaulted the deceased and inflicted injuries to which the deceased succumbed. There is nothing on record to indicate that the incident was premeditated nor there is anything on record to indicate that the Applicant had knowledge that the co-accused would inflict injuries with sharp weapons as has happened immediately after the Applicant caught hold of the deceased. Besides, investigation is complete and charge sheet has been filed. There are no antecedents against the Applicant. Taking overall view of the matter, the Applicant deserves to be enlarged on the following conditions.

(A) The Applicant is enlarged on bail in connection with CR.No. I-191/2004 registered with Vartaknagar Police Station, Thane, District Thane on executing personal bond in the sum of Rs.25,000/- (Rupees Twenty-five thousand only) with two local sureties in the like amount.

(B) The Applicant shall not enter the jurisdiction of Vartaknagar Police

Station, Thane, during the pendency of the trial.

(C) The Applicant shall inform the place where he intends to reside to the investigating officer as well as the trial Court immediately within one week from the date of release and also report to the nearest police station once a month on First Saturday of every English Calendar month between 10 a.m. to 2 p.m.

(D) The Applicant shall not influence the prosecution witnesses nor shall tamper with the prosecution evidence in any manner whatsoever.

(E) The Applicant shall co-operate with the trial Court for early disposal of the trial. If the trial Court is of the opinion that the Applicant is responsible for causing delay in disposal of the trial, that fact be recorded in the roznama, which can be considered as a ground for cancellation of bail.

2. Application disposed of on the above terms.